

William S. Donio, Esquire
Cooper Levenson P.A.
1125 Atlantic Avenue - 3rd Floor
Atlantic City, NJ 08401
(609) 344-3161
File No.: 50669.00024
wdonio@cooperlevenson.com

Attorneys for Defendants/Third-Party Plaintiffs on the
Counterclaim only: Pennsauken Board of Education, Pennsauken
High School, Pennsauken Public Schools, Tameka Matthews, and
Thomas Honeyman.

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

D.O., a minor by her guardian *ad*
litem, M.O.,

Plaintiff(s),

vs.

PENNSAUKEN BOARD OF EDUCATION,
PENNSAUKEN HIGH SCHOOL,
PENNSAUKEN PUBLIC SCHOOLS,
TAMEKA MATTHEWS, and THOMAS
HONEYMAN, *et al.*

Defendants,

And

PENNSAUKEN BOARD OF EDUCATION,
PENNSAUKEN HIGH SCHOOL,
PENNSAUKEN PUBLIC SCHOOLS,
TAMEKA MATTHEWS, and THOMAS
HONEYMAN,

Defendants/Third-Party
Plaintiffs,

vs.

S.C.A., a minor,
Third-Party Defendant.

CIVIL ACTION NO.:

NOTICE OF REMOVAL

**TO: UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that the defendants/third-party plaintiffs, Pennsauken High School, Pennsauken Public Schools, Pennsauken Board of Education, Tameka Matthews, and Thomas Honeyman (hereinafter collectively referred to as "Defendants", hereby remove the above-captioned action from the Superior Court of New Jersey, Law Division, Camden County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441, *et seq.* and in connection therewith, state as follows:

1. On or about February 13, 2015, the plaintiff, D.O., a minor by her guardian *ad litem*, M.O. (hereinafter "Plaintiff"), filed an action in the Superior Court of New Jersey, Law Division, Camden County, which is docketed as CAM-L-361-15. A copy of the summons and complaint are attached hereto as **Exhibit A**.

2. On or about March 17, 2015, defendant Township of Pennsauken answered Plaintiff's complaint. A copy of defendant Township of Pennsauken's answer is attached hereto as **Exhibit B**.

3. On or about April 2, 2015, defendant Safety Bus Company answered Plaintiff's complaint. A copy of defendant Safety Bus Company's answer is attached hereto as **Exhibit C**.

4. On or about April 8, 2015, Defendants answered Plaintiff's complaint. A copy of Defendant's answer is attached hereto as **Exhibit D**.

5. On or about April 27, 2015, Defendants filed a third-party complaint against third-party defendant S.C.A. A copy of Defendants' summons and third-party complaint are attached hereto as **Exhibit E**.

6. On December 24, 2015, counsel for Defendants were served with an answer containing counterclaims on behalf of third-party defendant S.C.A. A copy of third-party defendant S.C.A.'s answer, which was filed on December 24, 2015, is attached hereto as **Exhibit F**.

7. Third-party defendant S.C.A.'s answer with counterclaims contains claims against Defendants pursuant to the "Americans with Disability Act (and its Amendments), 42 U.S.C. §12101 et. seq.; Title VI and VII of the Civil Rights Act, 42 U.S.C. §2000(d), et seq.; 42 U.S.C. §1983, and the 14th Amendment to the United States Constitution." [**Ex. F**, p. 7, ¶ 47]

8. Accordingly, pursuant to 28 U.S.C. § 1331, the District Court has original jurisdiction over the claims arising under the Constitution and laws of the United States, and this action is one that may be removed to the District Court by Defendants pursuant to 28 U.S.C. § 1441.

9. This Notice of Removal is timely in accordance with the requirements of 28 U.S.C. § 1446 as it has been filed within thirty (30) days after service of third-party defendant S.C.A.'s answer containing the Federal claims over which the District Court has

original jurisdiction.

10. In accordance with 28 U.S.C. § 1446(a), attached hereto as **Exhibit G** are copies of the orders that have been served upon Defendants. They have been placed in chronological order for the convenience of the Court.

11. Defendants will provide immediate notice of the filling of this Notice of Removal to all parties and the State court as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that the action presently pending in the Superior Court of New Jersey, Law Division, Camden County, bearing docket number CAM-L-361-15, be removed to the United States District Court for the District of New Jersey.

COOPER LEVENSON, P.A.

/s/ William S. Donio, Esq.

Attorneys for
Defendants/Third-Party Plaintiffs
on the Counterclaim only:
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Pennsauken Public Schools,
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DATED: January 21, 2016